



One Hundred Tenth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

March 13, 2007

COMMITTEE ACTION

The Committee on Homeland Security met, pursuant to notice, in open markup session, a quorum being present, on Tuesday, March 13, 2007, in 311 Cannon House Office Building to consider H.R. 1401, to improve the security of railroads, public transportation, and over-the-road buses in the United States, and for other purposes. The Committee took the following actions:

H.R. 1401, to improve the security of railroads, public transportation, and over-the-road buses in the United States, and for other purposes; was ordered favorably reported to the House, amended, by voice vote.

The Committee adopted the bill, as amended, by a recorded vote of 30 yeas and 0 nays (Roll Call Vote No. 5).

The following amendments were offered:

An Amendment in the Nature of a Substitute offered by Mr. Thompson (#1), as amended, was AGREED TO by voice vote.

A unanimous consent request by Mr. Thompson to consider the Amendment in the Nature of a Substitute as base text for purposes of amendment; was not objected to.

An amendment offered by Mr. Markey (#1A) to Amendment in the Nature of a Substitute offered by Mr. Thompson; to In section 5(d) - redesignate subparagraphs (J) and (K) as subsections (K) and (L) respectively; and (2) after subparagraph (I) insert a new subsection "(J) a strategy for implementation enhanced security for shipments of security sensitive materials under section ____." Add at the end the following: new section entitled "Sec.____. Enhanced Security Measures for Shipments of Security Sensitive Materials."; was AGREED TO by voice vote.

An amendment offered by Ms. Brown-Waite (#1B) to Amendment in the Nature of a Substitute offered by Mr. Thompson; to strike section 5(I) of the bill. At the appropriate place in the bill, insert the following new section entitled “Sec.____. Protection of Information.”; was NOT AGREED TO by a recorded vote of 12 yeas and 16 nays (Roll Call Vote No. 1).

An amendment offered by Mr. Lungren (#1C) to Amendment in the Nature of a Substitute offered by Mr. Thompson; in section 14, strike subsection (b), (c), and (d) and insert the following new subsections “(b) Enforcement Action.”; “(c) Remedies”; (d) Use of State Secrets Privilege”; and Strike section 14(e).; was NOT AGREED TO by a recorded vote of 12 yeas and 16 nays (Roll Call Vote No. 2).

An amendment offered by Mr. Lungren (#1D) to Amendment in the Nature of a Substitute offered by Mr. Thompson; to insert at the appropriate place in the bill, a new section entitled “Sec. _____. No Third Party Right of Action.”; was NOT AGREED TO by voice vote.

An amendment offered by Mr. McCaul (#1E) to Amendment in the Nature of a Substitute offered by Mr. Thompson; at the appropriate place in the bill, insert the following new section: entitled “Sec.____ Technology Standards and Clearinghouse to Improve Security of Covered Transportation.”; was AGREED TO by voice vote.

An amendment offered by Mr. Dent (#1F) to Amendment in the Nature of a Substitute offered by Mr. Thompson; to At the appropriate place in the bill, insert the following: new section entitled “Sec. _____. Automated Targeting System for Persons Entering or Departing the United States.”; was NOT AGREED TO by a recorded vote of 12 yeas and 17 nays (Roll Call Vote No. 3).

An amendment offered by Mr. Bilirakis (#1G) to Amendment in the Nature of a Substitute offered by Mr. Thompson; to At the appropriate place in the bill, insert the following new section entitled “Sec.____ Rail Tank Car Security Testing.”; was AGREED TO by voice vote.

An amendment offered by Mr. McCaul (#1H) to Amendment in the Nature of a Substitute offered by Mr. Thompson; to insert the following new section at the appropriate place: “Sec.____.

Rail Radiological and Nuclear Detection.”; was AGREED TO by voice vote.

An amendment offered by Mr. King (#1I) to Amendment in the Nature of a Substitute offered by Mr. Thompson; at the end of the bill add the following new section entitled “Sec.____. Terrorist Watchlist and immigration Status Review at high-Risk Transportation Sites.”; was AGREED TO by voice vote.

An amendment offered by Mr. Lungren (#1J) to Amendment in the Nature of a Substitute offered by Mr. Thompson; in section 22, insert the following (and redesignate the subsequent section accordingly): “(e) No Preemption of State Law.”; was WITHDRAWN by unanimous consent.

A unanimous consent request by Mr. Lungren to modify the amendment so as to amend section 22; was not objected to.

A unanimous consent request by Mr. Lungren to withdraw his amendment, was not objected to.

An amendment offered by Mr. Rogers (#1K) to Amendment in the Nature of a Substitute offered by Mr. Thompson; to add at the end of the bill the following (and redesignate the preceding sections as Title I-Rail and Public Transportation Security): a new title entitled “Title II-Secure Transportation Through Increased Use of Canine Detection Teams.”; was AGREED TO by voice vote.

An en bloc amendment offered by Mr. Davis of Virginia (#1L) to Amendment in the Nature of a Substitute offered by Mr. Thompson; In section 5, strike section 5(j).; in section 14(b)(1), strike subparagraph (B). In section 14(h)(1), strike subparagraphs (3) and (5); and in section 14(h)(1), strike subparagraph (C).; in section 14(c)(2)(C), strike “and reasonable attorney fees; and” and insert “reasonable attorney fees, and compensatory damages awarded under this section”. In section 14(c)(2), strike subparagraph (D).; in section 14(d)(3) after “relief to be granted” insert “Except as provided herein, the Court shall only find for the plaintiff if the Inspector General’s investigation has determined that the assertion of the state secret is preventing the plaintiff from substantially establishing a prima facie case.”; in section 14, strike subsection (e).; was NOT AGREED TO by voice vote.

A unanimous consent request by Mr. Davis of Virginia to consider his amendments en bloc; was not objected to.

An en bloc amendment offered by Mr. McCaul (#1M) to Amendment in the Nature of a Substitute offered by Mr. Thompson; to add at the end the following: new section entitled “Sec. ____ Requirements to Provide Preference to Qualified Anti-Terrorism Technologies.”; at the end of the subcommittee print add the following: new section entitled “Sec. ____ Promoting Liability Protection for Providers of Covered Transportation and Related Technologies.”; was AGREED TO by voice vote.

A unanimous consent request by Mr. McCaul to consider his amendments en bloc; was not objected to.

An amendment offered by Mr. Dent (#1N) to Amendment in the Nature of a Substitute offered by Mr. Thompson; at the end of the bill add the following: new section entitled “Sec. ____ International Rail Security Program.”; was AGREED TO, as amended, by voice vote.

A unanimous consent request by Mr. Dent to strike subsection (c); was not objected to.

An amendment offered by Mr. Dent (#1O) to Amendment in the Nature of a Substitute offered by Mr. Thompson; at the appropriate place in the bill, insert the following new section entitled “Sec. ____ Passenger and Crew Manifests for Vehicles Arriving in or Departing From the United States; was NOT AGREED TO by a recorded vote of 12 yeas and 17 nays (Roll Call Vote No. 4).

A modified amendment offered by Mr. Lungren (#1P) to Amendment in the Nature of a Substitute offered by Mr. Thompson; in section 22, insert the following (and redesignate the subsequent section accordingly): “(e) No Preemption of State Law.”; was AGREED TO by voice vote.

A motion by Ms. Jackson-Lee that the motion to reconsider be laid on the table, was not objected to.

A motion by Ms. Jackson-Lee that Staff is authorized to make any technical and conforming changes, was not objected to.

A motion by Ms. Jackson-Lee to authorize the Chairman to offer such motions as may be necessary in the House to go to Conference with the Senate on the bill just ordered reported by this Committee, or on a similar Senate bill; was not objected to.

